

LARRY CRAIGMYLE,  
Plaintiff,  
vs.  
UNITED STATES OF AMERICA,  
Defendant.

Pursuant to Fed. R. Civ. P. 41(a)(1), a plaintiff is entitled to dismiss an action without an order of the Court prior to the filing of an answer or a motion for summary judgment, whichever first occurs. Plaintiff's motion was unnecessary. It is,

however, GRANTED. The action is DISMISSED, pursuant to Fed. R. Civ. P. 41(a)(1).<sup>1</sup>

IT IS SO ORDERED this 10<sup>th</sup> day of January, 2008.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The rule provides, in pertinent part, that, "[u]nless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim." Plaintiff previously filed, and voluntarily dismissed, Craigmyle v. United States Government, No. 04-2379-Ma/P (W.D. Tenn.). The Court has not examined the complaint in that case to ascertain whether it was based on, or includes, the same claims as those presented in the instant complaint.